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**DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
LONG RANGE PLANNING**

**MEMORANDUM**

TO: Clark County Board of Commissioners

FROM: Patrick Lee, Long Range Planning Manager

DATE: May 12, 2004

SUBJECT: Draft Home Business Ordinance

CASE NUMBER: CCC 2001-004

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Attached for consideration by the Board of Clark County Commissioners (BOCC) is a draft home business ordinance (Attachment 1) that, if adopted, will replace the current home occupation ordinance, Section 40.260.100 of the Clark County Code (CCC) (Attachment 2). The basis for the draft ordinance is a recommendation from the Rural Enterprises Task Force (RETF) (Attachment 3). The RETF recommendation was modified (Attachment 4) and put out for public review in June of 2003 at the direction of the BOCC.

**BACKGROUND**

In response to complaints from rural business operators about county restrictions on the use of rural property for varying types of business uses, the BOCC appointed the 12-member RETF in April 2002. Task force members were Eileen Abernathy (Camas), John Bryden (Washougal), Susan Gilbert (Ridgefield), Thomas Hill (La Center), David Nordeen (Battle Ground), Jerry Nutter (Vancouver), Gary Oliver (Battle Ground), Terry Reddish (Battle Ground), Basil Rotschy (Yacolt), Larry Sarkinen (Brush Prairie), Jeff Strong (Amboy), and Terri Tweedell (Battle Ground). The charge of the Rural Enterprises Task Force was to develop recommendations on the criteria and standards that apply to the business use of rural properties.

The central issue is the use of rural property. For some, it is the right to do what they wish with their property, including the use of it as a base for a home-based business conducted either on the property or elsewhere. For others, it is the right not to have a rural setting infringed upon by neighbors with home-based businesses. The current county code favors the latter, with little accommodation of the former. The task force was charged with recommending a way to resolve this problem.

## **TASK FORCE PROCESS**

The task force met 19 times between July 2002 and April 2003. The task force began by listing issues members wanted to see addressed and then spent its meeting time developing a recommendation. The group did not focus on types of businesses, but rather on the impacts of business operations (e.g. noise, dust, added traffic, etc.).

The task force recommendation (Attachment 3):

- Defines two types of home occupations: incidental (no permit needed) and permitted;
- Allows numbers of employees, defined vehicles and equipment, and outside storage to vary based on size of the property;
- Has all permitted home occupations as Type I reviews, except for those on a private road for which applications are reviewed using a modified Type II process;
- Exempts legally-established home occupations from the ordinance; and
- Requires site plan review.

The task force expressed twin concerns that 1) fees for home occupations were too high, and 2) complaints received about rural businesses should be handled on a neighbor-to-neighbor basis. The task force recommendation reflects these concerns in that permitted home occupations are processed via a Type I application (to keep the fees down) unless the applicant lives on a private road. If a private road is involved, the applicant has a choice of a Type I or II process, with the lower (Type I) fee charged if the applicant can show that no one else who uses or is entitled to use the private road objects to the proposed home occupation. As proposed, this scenario is unprecedented in the Clark County code.

A work session was held with the BOCC on April 16, 2003, at which the task force recommendation was presented. Both staff and the Prosecuting Attorney's office expressed some concern with some of the recommended task force language. The BOCC directed staff to return with options for addressing the rural home occupation issue.

Another work session was held with the BOCC on June 4, 2003, at which four options were presented:

1. The recommendation by the Rural Enterprises Task Force for a draft rural home occupation ordinance (Attachment 3);
2. The current home occupation ordinance modified to address heavy equipment in rural areas;
3. The task force recommendation modified by staff to include 1) home occupations in urban as well as rural areas, and 2) additional policy and legal concerns (Attachment 4); and
4. To leave the current code unchanged (Attachment 2).

## **MODIFIED TASK FORCE RECOMMENDATION**

The BOCC directed that the modified task force recommendation be put out for public comment. The modified task force recommendation, which reflects an initial review by staff, makes the following changes/additions:

- Urban home occupations were added. Staff felt the ordinance would be easier to use if all home occupations were included in a continuum of activity type, rather than having standards for urban and rural home occupations in different formats.
- Permitted home occupations (which were Type I's) were split into minor (Type I) and major (Type II). Staff felt that the public notice requirement needed to be a part of application review for major home occupations. Staff also recommended that the presence of non-resident employees be the main trigger for a home occupation permit.
- The process for exceeding proposed standards was changed from a Type II administrative variance to a conditional use permit (Type III), in keeping with the recommendation above to have minor and major home occupations.
- A definition for 'incidental retail sales' was added.

The modified task force recommendation is less restrictive than the current home occupation ordinance, particularly in the rural areas. Examples of important differences:

- Home occupations that would be exempt from review are codified.
- The current Type II standard for accessory structures is proposed as the Type I standard for urban and rural minor home occupations.
- The proposed ordinance allows for vehicles and equipment in rural major home occupations according to a standards table, where neither is currently allowed.
- The proposed ordinance allows for employees in rural minor home occupations and the use of accessory structures in both urban and rural minor home occupations, none of which is allowed currently.
- The proposed ordinance allows outdoor storage for rural major home occupations, which is not allowed anywhere currently.

Because the proposal includes urban home occupations where it had not previously, the decision was made to delay the Planning Commission hearing by a month (from July to August) in order to notify neighborhood associations, business groups and chambers of commerce by letter of the addition. A presentation about the draft ordinance was made at the July NACCC meeting as well.

## **STAFF RECOMMENDATION**

The original intent of the draft rural home business ordinance was to accommodate some measure of rural home business activity, but to ensure, with additional standards, that the activity does not negatively impact rural residents who wish the relative solitude of a rural living experience. The task force spent a great deal of time discussing how to accommodate both sets of interests.

In order to be consistent across unincorporated Clark County, urban home business activity was added to the draft ordinance. Proposed standards for urban home businesses are not too dissimilar from current standards for home businesses, primarily because of smaller lot sizes. The staff recommendation to the Planning Commission was to replace CCC Section 40.260.100 with a new set of standards pertaining to all home businesses, using the modified task force recommendation as the basis for new ordinance language.

Staff continue to have the following concerns, however:

- The ordinance has the potential to increase the number of neighbor conflicts, because it allows the potential creation of a great many small home businesses, businesses that by the current code are or would be illegal. For example, Attachment 5 shows the number of rural lots by parcel size. It was the issues of neighbor complaints and property restrictions that necessitated the formation of a task force in the first place. There is no recommended fix for this, but the result from changing the standards will be to legalize many existing businesses that are now illegal.
- The task force took the approach of looking at performance standards instead of addressing uses in an effort to accommodate rural business owners. Any use would be allowed as long as the performance standards were met. Given that any use not otherwise regulated in the code is allowed, parcel size may not be enough to mitigate impacts, even with landscaping and screening requirements, and setbacks.

## **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission hearing began on August 21<sup>st</sup>, 2003, and was continued to September 18<sup>th</sup> and again to December 18<sup>th</sup>. Rather than concentrate on draft ordinance language, the focus of the Planning Commission deliberations was on concepts to be included in the draft ordinance. At the August 21<sup>st</sup> hearing, a group called the Rural Business Coalition (RBC) submitted another version of a home business ordinance (Attachment 6), stating that the proposed ordinance was too restrictive. (There were several subsequent discussions between staff and the RBC in an effort to determine where there was common ground).

The Planning Commission recommendations are shown in Attachment 7. The Planning Commission recommended that:

- there be one set of standards for all businesses;
- existing businesses be given six years to comply with new standards, using a Type I review process;
- there be no limits on equipment or vehicles; and
- outside business areas and size of accessory structures be limited to two percent (2%) each of parcel size. For a 20-acre parcel, two percent (2%) of the parcel equals 17,424 square feet, meaning that the business use of the property outside of the residence could be almost 35,000 square feet.

## **BOARD WORK SESSION**

A work session with the BOCC was held on March 31, 2004. As with the Planning Commission, the focus of the BOCC discussion was on concepts to be included in the draft ordinance. As a result of the work session, staff prepared a 're-modified' task force recommendation (Attachment 1) to be put out for public hearing. The BOCC stated that:

- there should be limits on employees, size of accessory structures, equipment, and vehicles similar to those recommended by the task force;
- existing home businesses need to be treated differently than new home businesses;
- there should be one set of standards that all home businesses established after January 1, 1995 would have to meet, with a grace period for home businesses established after January 1, 1995 but before the effective date of the new home business ordinance;
- home businesses on private roads need a greater notice requirement; and
- the nuisance ordinance should be modified to help in enforceability.

These concepts are included in the latest recommendation with the exception of modifying the nuisance ordinance, which is proceeding on a separate track.

#### **STAFF RECOMMENDATION**

The staff recommendation is to adopt a new home business ordinance to replace the current CCC Section 40.260.100, using the re-modified task force recommendation as a framework.

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## **Attachment 1**

The draft ordinance below addresses home businesses in Clark County, both rural and urban. The basis for this ordinance is the recommendation of the Rural Enterprises Task Force, and includes direction from the Planning Commission and the Board of County Commissioners. There are several places (in *italics* and shaded) where options are presented.

### **40.260.100 HOME BUSINESSES**

**A. Purpose.** The purpose of this section is to protect the integrity of zoning districts of Clark County while allowing the use of property for home businesses. This section establishes approval criteria and standards to ensure that home businesses are conducted as lawful uses that allow for economic development compatible with the use of neighboring properties.

#### **B. Applicability and Exemptions**

1. Applicability. All home businesses not exempt pursuant to this section shall be subject to the standards specified in this section. A rural home business is located in a zoning district outside an urban growth boundary. An urban home business is located in a zoning district inside an urban growth boundary but outside of any city limits.
2. Exemptions. The following uses are exempt from the provisions of this section:
  - a. Lawfully established home occupations established prior to (*the effective date of the ordinance*);
  - b. Agriculture and forest uses;
  - c. Hobbies not engaged in for financial gain;
  - d. Any specific activity otherwise regulated under Chapter 40.260 Special Uses and Standards; and
  - e. Parking of no more than one business vehicle with a GVW of 9,000 pounds or less used by a resident for transportation to and from the dwelling.

#### **C. Definitions**

1. Activity area. See “home business activity area.”
2. Heavy equipment. “Heavy equipment” means any free-standing piece of equipment with a gross vehicle weight of 15,000 pounds (as defined by the manufacturer) or greater that is used for the purpose of a home business and that is typically transported to a job site by a vehicle. The term shall include equipment that is motorized or non-motorized, stationary, or self-propelled. Tools or pieces of machinery that are permanently located within an accessory structure shall not be counted as heavy equipment for the purposes of this section.

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3. Home business. “Home business” means a business in conjunction with a principal residential use which results in financial remuneration from a product or service and is conducted by at least one resident occupying the dwelling on the subject property.
4. Home business activity area. “Home business activity area” (hereafter “activity area”) means a defined outside area used in conjunction with a rural home business that includes all outside activities associated with the home business, including, but not limited to parking areas used for business vehicles and equipment, areas used for loading and unloading, worker or client parking areas, and areas used for outdoor storage.
5. Incidental retail sales. “Incidental retail sales” means retail sales that are ancillary and secondary to the home business, such as selling shampoo from a home hair salon.
6. Outdoor Storage. “Outdoor storage” means the outdoor holding of any materials or merchandise, whether covered or uncovered, used or associated with a home business.
7. Trailer. A “trailer” is a non-motorized vehicle that is licensed for road use that is used exclusively, or in part, for the purpose of a home business. Trailers equipped by the manufacturer as combination tractor-trailers shall not be counted as a separate trailer, but shall be considered together with their tractor a part of a single vehicle.
8. Vehicle. For the purposes of this ordinance, “vehicle” means any motorized vehicle licensed for road use that is used exclusively, or in part, for the purpose of a home business. A vehicle equipped by the manufacturer to serve as a combination tractor-trailer shall be counted as a single vehicle.

#### **D. General Standards and Provisions**

The following standards and provisions shall apply to all home businesses in Clark County:

1. Home businesses shall be owned and operated by a resident owner or renter of the property who occupies the property as their principal residence.
2. A home business permit may cover more than one business on a parcel as long as such businesses in combination do not exceed the applicable standards in this section.
3. The maximum use of a dwelling devoted to a home business shall not exceed 25 percent of the gross floor area of the dwelling or exceed 1,000 square feet, whichever is less. Gross floor area includes a basement and attached garage, but does not include an unfinished attic or a detached garage. Additional standards for accessory structures (including detached garages) are included in Subsections (E), (F) and (G).

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4. One sign related to the home business of two square feet or less is allowed. A separate sign permit is not needed if included with the home business permit application.
5. Prohibited uses include on-site retail (other than incidental), wholesale and manufacturing businesses, adult entertainment enterprises as defined in CCC Chapter 5.45, and warehousing and distribution businesses larger than (400) (900) ( ) square feet.
6. Home businesses on parcels with an accessory dwelling unit are (not allowed) (allowed only if the accessory dwelling unit is used for the business).
7. Heavy equipment and material storage is only allowed in activity areas or in accessory structures.

#### **E. Home Businesses--Exempt**

1. Home businesses that meet the standards in Subsection (D) and the following standards are exempt from review by the county:
  - a. In urban areas:
    - 1) No use of accessory structures for the home business;
    - 2) Maximum of two employees who come to the home business location, with one parking space for each non-resident employee;
    - 3) No customers that come to the home business location;
    - 4) No outside storage;
    - 5) No heavy equipment; no more than one home business-related vehicle;
    - 6) No on-site retail sales.
  - b. In rural areas:
    - 1) Use of up to 400 square feet of an accessory structure;
    - 2) Maximum of two employees who come to the home business location, with one parking space for each non-resident employee;
    - 3) No customers that come to the home business location;
    - 4) No outside storage;
    - 5) No heavy equipment; no more than one home business-related vehicle;
    - 6) No on-site retail sales.
2. There is no minimum lot size for exempt home businesses.
3. Two or more exempt home businesses on the same parcel shall require a Type I or Type II permit based on the combined features of each business.

#### **F. Home Businesses—Minor.**

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1. Home businesses that meet the standards in Subsection (D) and the following standards shall qualify as minor home businesses:
  - a. In urban areas:
    - 1) Use of up to 400 square feet of an accessory structure;
    - 2) Maximum of two non-resident employees who come to the home business location, with one additional parking space for each non-resident employee;
    - 3) Customers: up to six (6) on-site customers per day;
    - 4) No outside storage;
    - 5) No heavy equipment; no more than one home business-related vehicle;
    - 6) Hours of operation: 7 a.m. to 8 p.m. for on-site businesses;
    - 7) Incidental on-site retail sales only.
  - b. In rural areas:
    - 1) Use of up to 1000 square feet of an accessory structure;
    - 2) Maximum of two non-resident employees who come to the home business location, with one additional parking space for each non-resident employee;
    - 3) Customers: up to six (6) on-site customers per day;
    - 4) No outside storage;
    - 5) Vehicles/heavy equipment: no more than two home business-related vehicles and two pieces of heavy equipment;
    - 6) Hours of operation: 7 a.m. to 8 p.m. for on-site businesses;
    - 7) Incidental on-site retail sales only.
2. Minor home businesses qualifying under this subsection shall be reviewed using a Type I process as specified in Section 40.510.010, except as specified in Subsection (F)(3) below. Should an operator of a minor home business expand operations in a manner that exceeds any of the performance standards in Subsection (F)(1), the operator shall obtain a major home business permit.
3. Minor home businesses on a private road shall be reviewed using a Type II process, unless evidence of mitigation of home business impacts on the private road through a neighbors agreement is provided at the time of application. For purposes of the agreement, 'neighbors' shall include all who are entitled to use the private road. Impacts to be addressed shall include, but are not limited to: dust, noise, trip generation, and road maintenance.
4. There is no minimum lot size for minor home businesses.

#### **G. Home Businesses—Major.**

1. Home businesses that meet the standards in Subsection (D) and the following standards shall qualify as major home businesses:
  - a. In urban areas:
    - 1) Use of up to 900 square feet of an accessory structure;
    - 2) Maximum of three non-resident employees, with one additional parking space

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for each non-resident employee;

- 3) Customers: up to twelve (12) on-site customers per day;
  - 4) No outside storage;
  - 5) No heavy equipment; no more than three business-related vehicles;
  - 6) Hours of operation: 7 a.m. to 8 p.m. for on-site businesses;
  - 7) Incidental on-site retail sales only;
  - 8) Minimum lot size: 10,000 square feet.
- b. In rural areas:
- 1) Accessory structures: see Table 40.260.100-1;
  - 2) Employees: see Table 40.260.100-1, with one additional parking space for each non-resident employee;
  - 3) Customers: up to twelve (12) on-site customers per day;
  - 4) Outside storage: see Table 40.260.100-1;
  - 5) Vehicles/heavy equipment: see Table 40.260.100-1;
  - 6) Activity area: All outside activity must be located in a defined activity area that is visually screened from adjacent residences either by existing vegetation, terrain, or sight obscuring landscape/screening methods to at least an L3 standard as established in Section 40.320.010, and that is set back a minimum of fifty (50) feet from any property line. Except where terrain provides a sight-obscuring barrier, landscaping and screening shall be located on the subject property. Required landscaping and screening shall be the responsibility of the resident business owner.
  - 7) Hours of operation: 7 a.m. to 8 p.m. for on-site businesses;
  - 8) Incidental retail sales only;
  - 9) Minimum lot size: 2.5 acres.
2. Major home businesses qualifying under this subsection shall be reviewed using a Type II process as specified in Section 40.510.020, demonstrating that the proposal complies with all development and performance criteria in this section.
  3. Applications for major home businesses on a private road shall include evidence of mitigation of home business impacts on the private road through a neighbors agreement. For purposes of the agreement, ‘neighbors’ shall include all who are entitled to use the private road. Impacts to be addressed shall include, but are not limited to: dust, noise, trip generation, and road maintenance.

## **H. Existing Home Businesses**

1. Home businesses in operation as of *(the effective date of the ordinance)* are considered existing businesses and will be allowed in accordance with the provisions of this subsection.

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2. A home business that was established on or before January 1, 1995 and has been in continuous operation since then may *(continue to operate) (continue to operate at the level of the business footprint as of January 1, 1995)* under the following conditions:
  - a. Application for and receipt of a Type I home business permit pursuant to Section 40.510.010, unless exempt under Subsection (E). Applications for pre-1995 home businesses on a private road shall include evidence of mitigation of home business impacts on the private road through a neighbors agreement. For purposes of the agreement, ‘neighbors’ shall include all who are entitled to use the private road. Impacts to be addressed shall include, but are not limited to: dust, noise, trip generation, and road maintenance;
  - b. For a rural home business, the business meets the requirements of subsections (D)(1), (D)(4), (D)(5), (D)(7), (G)(1)(b)(6) (if the equivalent standards for a rural minor are exceeded), and (I);
  - c. For an urban home business, the business meets the requirements of subsections (D)(1), (D)(4), (D)(5), (D)(7), (G)(1)(b)(6) (if the equivalent standards for a urban major are exceeded), and (I); and
  - d. The business remains the size it was on *(January 1, 1995) (the effective date of the ordinance)*. A business wishing to expand where it is located may apply for a conditional use permit to do so.
  
3. A home businesses that was established after January 1, 1995 and that has been in continuous operation prior to *(the effective date of the ordinance)* may continue to operate under the following conditions:
  - a. Application for and receipt of a Type I home business permit pursuant to Section 40.510.010, unless exempt under Subsection (E). Applications for major home businesses on a private road shall include evidence of mitigation of home business impacts on the private road through a neighbors agreement. For purposes of the agreement, ‘neighbors’ shall include all who are entitled to use the private road. Impacts to be addressed shall include, but are not limited to: dust, noise, trip generation, and road maintenance;
  - b. The business meets the requirements of subsections (D)(1), (D)(4), (D)(5), (D)(7), and (I);
  - c. For a rural home business, the requirements of (G)(1)(b)(6) are met (if the equivalent standards for a rural minor are exceeded); and
  - d. The business meets the standards in Table 40.260.100-1 at the end of a *(1) (3) (5)* -year period from *(the effective date of the ordinance)*.
  
4. Existing home businesses shall be legally permitted by \_\_\_\_\_ *(the effective date of the ordinance plus \_\_ months)*.

## **I. Performance Standards.**

1. Home-based businesses shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24 Nuisances, and with the following standards:

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- a. Noise: Home businesses shall comply with state maximum environmental noise levels as defined in WAC Chapter 173-60.
  - b. Odors, lighting, glare, dust, smoke and vibration: Home businesses shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.
  - c. Electromagnetic radiation and line fluctuation: Any business activities or use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.
2. Any use of hazardous material or disposal of hazardous waste by home-based businesses shall comply with all applicable federal, state and local regulations. Home businesses shall not discharge any liquids or gases in violation of any federal, state or county regulations, including such discharges into private septic systems.
3. A home business permit shall be revoked pursuant to Chapter 32.12 should either of the following occur:
  - a. An applicant/operator re-locates his or her residence.
  - b. The county finds that a home business has failed to comply with the general provisions and standards of this section or with the performance standards required by the permit.

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**TABLE 40.260.100-1. RURAL MAJOR HOME BUSINESS REQUIREMENTS**

Lot size (acres) <sup>1</sup>	≥ 2.5 & < 5	≥ 5 & < 7.5	≥ 7.5 & < 10	≥ 10 & < 15	≥ 15 & < 20	≥ 20
Maximum allowable use of accessory structures (sq. ft.) <sup>2</sup>	1,250	1,500	1,750	2,000	2,500	3,000
Maximum number of non-resident employees <sup>3</sup>	2	2	3	4	4	5
Allowable outside storage <sup>4</sup> (sq. ft.)	500	1000	1000	1,500	2,000	3,000
Maximum home business vehicles <sup>4</sup>	1	2	2	3	3	4
Maximum home business trailers <sup>4</sup>	1	2	2	2	3	4
Maximum home business pieces of heavy equipment <sup>4</sup>	1	2	3	3	4	5

Footnotes:

<sup>1</sup> Contiguous parcels in the same ownership may be added together for purposes of determining parcel size.

<sup>2</sup> 'Accessory structure' is defined in Section 40.100.070, and does not include an attached garage.

<sup>3</sup> Includes contract employees and full-time employee equivalents.

<sup>4</sup> Must be kept within the landscaped/screened activity area.

**Attachment 2. Current Clark County Home Occupation ordinance**

#### **40.260.100. Home Occupations**

1. Home Occupations--General. Home occupations are activities commonly carried on within a dwelling by a member or members of the family who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. Two types of home occupations, Type I and II, are regulated and are distinguished by the potential impacts they represent to the neighborhood. The major distinctions are summarized in the following table:

TYPE I	TYPE II
IN DWELLING ONLY	DWELLING, GARAGE OR ACCESSORY STRUCTURE
USE MAXIMUM OF 25% OF HABITABLE FLOOR AREA FOR HOME OCCUPATION	USE MAXIMUM OF 25% HABITABLE FLOOR AREA OF 400 SQUARE FEET IN THE URBAN AREA OR 1,000 SQUARE FEET IN THE RURAL AREA OF A GARAGE OR ACCESSORY STRUCTURE
1 SIGN UP TO 2 SQUARE FEET	1 SIGN UP TO 2 SQUARE FEET
NO USE OR STORAGE OF HEAVY VEHICLES OR HEAVY EQUIPMENT SUCH AS CONSTRUCTION EQUIPMENT USED IN A BUSINESS. NO DISTRIBUTION EXCEPT BY MAIL OR PARCEL SERVICE.	NO USE OR STORAGE OF HEAVY VEHICLES OR HEAVY EQUIPMENT OR INVOLVE WAREHOUSING. NO DISTRIBUTION EXCEPT BY MAIL OR PARCEL SERVICE.
ONLY INCIDENTAL ACCESSORY RETAIL SALES	ONLY INCIDENTAL ACCESSORY RETAIL SALES

##### **Type I Home Occupation.**

- a. The applicant shall obtain a permit which shall apply only to the applicant(s) and to the property occupied by the applicant at the time the permit is issued. No employees shall be permitted.
- b. Be operated entirely within the applicant's dwelling by the resident of the dwelling exclusively.
- c. Use not more than twenty-five percent (25%) of the habitable floor area (may include the basement, but not an attached or detached garage).
- d. Limit any external evidence of an occupation to one sign approved pursuant to Chapter 18.409, including obtaining a sign permit pursuant to Section 18.409.025 and the requirements of Section 18.409.050(A)(1) of this title.
- e. Not involve the use or storage of tractor trailers, semi-trucks or heavy equipment such as construction equipment used in a business, except in the rural area where a single vehicle and/or tractor/trailer parked off-street and used solely by the resident of the home is permitted.
- f. Involve no retail sales on the premises, except as incidental to the home occupation (example would be selling shampoo from a low-intensity in-home hair dresser).
- g. Adequate on-site parking shall be provided to accommodate the number of customers allowed on the site at one time. Such occupation shall involve fewer than six (6) customers daily

entering the premises or six (6) vehicle trip ends, including deliveries, such number to be specified in the application.

h. Produce no noise or obnoxious odors, vibrations, glare or fumes detectable to normal sensory perception at the property line, or cause electrical interference on electronic equipment.

2. Home occupations (Type II) shall:

a. The applicant shall obtain a permit which shall apply only to the applicant(s) and to the property occupied by the applicant at the time the permit is issued.

b. Be operated entirely within a residential structure or permitted accessory structure.

c. Home occupations, inside the urban growth area, shall use no more than twenty-five percent (25%) of the habitable floor area (may include the basement but not a garage or accessory building); or shall use no more than four hundred (400) square feet of allowed accessory structure or garage. Outside the urban growth area, no more than twenty-five percent (25%) of the habitable floor area (may include the basement, but not the garage); or where an accessory building is used, other than storage of farm equipment or farm vehicles, the home occupation shall be limited to one thousand (1,000) square feet.

d. Require no remodeling of the exterior of the dwelling or the accessory structure which changes the residential character. Examples of inappropriate exterior remodeling include enlarging a garage or garage door to accommodate equipment related to an occupation, constructing a structure larger than the dwelling and garage to accommodate the occupation or storage of material and equipment related to it.

e. Limit any external evidence of an occupation to one sign approved pursuant to Chapter 18.409, including obtaining a sign permit pursuant to Section 18.409.025 and the requirements of Section 18.409.050(A)(1) of this title.

f. Not involve the outside use or storage of heavy vehicles or heavy equipment or involve warehousing or distribution, except in the rural area where a single vehicle and/or tractor/trailer parked off-street and used solely by the resident of the home is permitted.

g. Involve no retail sales, except as incidental to the home occupation (example would be selling shampoo from a low-intensity in-home hair dresser).

h. Produce no noise or obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal sensory perception at the property line.

i. Involve fewer than twelve (12) customers daily entering the premises.

j. Employ no more than one (1) person in addition to those who are permanent residents of the dwelling.

k. Provide a plan for any additional on-site parking needed to accommodate the use. Any additional parking needed to accommodate the use shall be screened from adjacent property by a minimum five (5) foot tall solid fence or hedge. Hedge shall be installed immediately and provide a six (6) foot solid screen within one (1) year of approval.

l. No Type II home occupation shall be established when an accessory dwelling unit is present on the site.

### **Attachment 3. Rural Enterprises Task Force Recommendation, Proposed Rural Home Occupation Ordinance**

(Note: At the time this was proposed, Title 40 had not yet been adopted)

## **18.406.020 PROVISIONS APPLYING TO SPECIAL USES**

### **I. HOME OCCUPATIONS, GARAGE SALES, AND BED AND BREAKFASTS**

#### **1. Home Occupations---Rural. ~~General~~.**

**A. Purpose.** The purpose of this section is to protect the integrity of rural zoning districts of Clark County while allowing the use of rural lands for rural home occupations. This chapter establishes approval criteria and standards to ensure that home occupations are conducted as lawful uses that allow for economic development in rural areas compatible with the use of neighboring properties.

#### **B. Applicability and Exemptions**

1. Applicability. All rural home occupations not exempt pursuant to this section shall be subject to the standards specified in this chapter. A rural home occupation refers to any home business located in Rural Districts (R), Rural Center Residential Districts (RC-1, RC-2.5), or Forest and Agriculture Districts (FR-80, FR-40, AG-20, AG/WL).

2. Exemptions. The following uses are exempt from the provisions of this chapter:

- a. Yard sales or garage sales, as designated in Subsection 18.406.020(I)(  );
- b. Bed and breakfast establishments as designated in Subsection 18.406.020(I)(  );
- c. Hobbies which do not result in financial gain to those engaged in such activity;
- d. Permitted home occupations established prior to the effective date of this ordinance;
- e. Agriculture and forest uses on resource parcels;
- f. Existing agriculture and forest uses on Rural parcels equal to or larger than 5 (five) acres; and
- g. Any specific rural business activity otherwise regulated under Chapter 18.406.020, Provisions Applying to Special Uses.

#### **C. Definitions**

1. Activity area. See “rural home occupation activity area.”

2. Equipment. “Equipment” means any free-standing piece of equipment with a gross vehicle weight of 15,000 pounds or greater that is used for the purpose of a home occupation and that is

typically transported to job sites by a vehicle. The term shall include “equipment” that is motorized or non-motorized, stationary or self-propelled. The term “equipment” shall not



include small hand tools or manually-operated and portable tools commonly found in professional trades. Larger tools or pieces of machinery that are permanently located within an accessory structure shall not be counted as “equipment” for the purposes of this ordinance.

3. Outdoor Storage. “Outdoor storage” means the outdoor holding of machinery and small equipment (not defined as equipment in this section) and any materials or merchandise used or associated with a home occupation.

4. Rural home occupation. A “rural home occupation” is a business activity which 1) results in financial gain from a product or service, 2) which is conducted by at least one family member occupying the dwelling, and 3) is conducted partially or wholly within the residence and/or accessory structure on the subject rural property.

5. Rural home occupation activity area. A “rural home occupation activity area” (hereafter “activity area”) means an outside area used in conjunction with a rural home occupation, including but not limited to, parking areas used for business vehicles and equipment, areas used for loading and unloading, worker or client parking areas, and areas used for outdoor storage, if allowed.

6. Trailer. A “trailer” is a non-motorized vehicle that is licensed by the state for road use that is used exclusively, or in part, for the purpose of a home occupation. Trailers equipped by the manufacturer as combination tractor-trailers shall not be counted as a separate trailer, but shall be considered together with their tractor a part of a single vehicle.

7. Vehicle. For the purposes of this ordinance, “vehicle” means any motorized vehicle licensed by the state for road use that is used exclusively, or in part, for the purpose of a home occupation. A vehicle equipped by the manufacturer to serve as a combination tractor-trailer shall be counted as a single vehicle.

#### **D. General Standards and Provisions**

The following standards and provisions shall apply to all rural home occupations in Clark County:

1. Home occupations shall be owned and operated by a resident owner or renter of the property who occupies the property as their principal residence.

2. A home occupation permit may cover more than one business as long as such businesses in combination do not exceed the standards in this ordinance.

3. The maximum home occupation use of a residence shall not be greater than 25 percent of the habitable gross floor area of the residence or exceed a total of 1,000 square feet, whichever is

less. Habitable floor space includes a basement, but does not include a detached or attached garage. Additional standards for accessory structure size are included in Subsections (E) and (F).

4. One sign related to the home occupation of two square feet or less. A separate sign permit is not needed if included with the rural home occupation permit application.

5. Adult entertainment enterprises as defined in Chapter 5.45 are prohibited as home occupations.

### **E. Home Occupations -- Incidental**

1. Home occupations that meet the requirements of Subsection (D) above and those below shall qualify as incidental home occupations:

- a. Minimum lot size: None.
- b. Accessory structures: Incidental home occupation use of accessory structures is limited to a maximum of 600 square feet. All home occupation activities shall be contained within the principal residence or within legally permitted accessory structures. Attached and detached garages are accessory structures for purposes of this section.
- c. Activity area: Need not be defined.
- d. Non-resident workers: Maximum three (3) workers.
- e. Hours of operation: No limitations.
- f. Outside storage: Not permitted.
- g. Vehicles, equipment and trailers: Storage of one (1) vehicle associated with the home occupation is permitted.
- h. Parking: One additional parking space is required for each non-resident worker. Parking is not permitted on public roads.
- i. Non-resident traffic: An increase of up to six (6) total round trips per day by non-residents is permitted.
- j. Retail sales are allowed.

2. A permit is not needed for an incidental home occupation. Should an operator of an incidental home occupation expand operations in a manner that may exceed any of the performance standards in Subsection (E)(1), the operator shall obtain a home occupation permit.

### **F. Home Occupations—Permitted.**

1. Home occupations that meet the requirements of Subsection (D) above, Table 18.406.020(I)-1, and this subsection shall qualify as permitted home occupations:

- a. Minimum lot size: The minimum lot size for a permitted home occupation is 2.5 acres.
- b. Accessory structures: See Table 18.406.020(I)-1.
- c. Activity areas: Activity areas shall be visually screened from adjacent residences either by existing vegetation, terrain, or sight obscuring landscape/screening methods to at least an L3

standard as established in Chapter 18.402A, and shall be setback a minimum of fifty (50) feet from any property line. Except where existing vegetation and terrain provide a sight-obscuring barrier, landscaping and screening shall be located on the subject property. Required landscaping and screening shall be the responsibility of the applicant or operator.

d. Non-resident workers: See Table 18.406.020(I)-1.

e. Hours of operation: The hours of operation for home occupations shall fall between the hours of 7:00 AM and 8:00 PM.

f. Outside storage: See Table 18.406.020(I)-1.

g. Vehicles, equipment and storage: See Table 18.406.020(I)-1.

h. Parking: One additional parking space is required for each non-resident worker. All parking shall be within the activity area. Parking is not permitted on public roads.

i. Non-resident traffic: See Table 18.406.020(I)-1.

j. Retail sales for goods produced on-site are allowed.

2. a. Except as specified in Subsection (F)(2)(b) below, a permitted rural home occupation shall require a permit processed by means of a Type I procedure, as governed by Section 18.600.060, after a demonstration that the proposal complies with all development and performance criteria in this section.

b. If a permitted home occupation is to be located on a private road or easement which also serves other properties, the home occupation shall require a permit processed by means of a Type II procedure, as governed by Section 18.600.060 after a demonstration that the proposal complies with all development and performance criteria in this section. A pre-application conference is required for a Type II home occupation.

c. If the requirements of Subsection (F)(2)(b) above are otherwise met, a Type I procedure, as governed by Section 18.600.060 may be used if the applicant provides evidence that no owner of any property whose access is also the private road or easement objects to the use of the private road or easement for the proposed home occupation. Such evidence shall include any agreement for additional road maintenance necessitated by the impacts of the proposed home occupation. Neighbor notification requirements are set forth in Subsection (I).

3. If an applicant for a home occupation cannot meet the standards set forth in Table 18.406.020(I)-1 or setback requirements stated in Subsection (F)(1)(c), then the operator may seek an administrative variance using the Type II procedure, as governed by Section 18.501. Variances will not be granted for parcel size.

4. Permitted home occupations are subject to the applicable requirements of Chapter 18.402A.

### **G. Performance Standards.**

1. Rural businesses shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24 Nuisances, and with the following standards:

a. Noise: Rural home occupations shall comply with state maximum environmental noise levels as defined in WAC Chapter 173-60.

- b. Odors, lighting, glare, dust, smoke and vibration: Rural home occupations shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.
  - c. Electromagnetic radiation and line fluctuation: Any business activities or use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.
2. As necessary, all home occupations shall obtain valid building permits for all dwellings and accessory structures. All rural home occupations shall meet public safety requirements of the Uniform Building Code and Uniform Fire Code.
3. Any use of hazardous material or disposal of hazardous waste by rural home occupations shall comply with all applicable federal, state and local regulations. Rural home occupations shall not discharge any liquids or gases in violation of any federal, state or county regulations, including such discharges into private septic systems.
4. A rural home occupation permit shall become invalid should either of the following occur:
- a. An applicant/operator re-locates his or her residence.
  - b. The County finds that a rural home occupation has failed to comply with the general provisions and standards of this chapter or with the performance standards required by the permit.

**H. Submittal Requirements.** An applicant for a home occupation will submit materials as required by CCC Chapter 18.402A and by Subsection F of this chapter.

**I. Public Notification.**

1. An applicant for a home occupation permit for a property located along a private road or easement using the exception (Type I) provision in Subsection (F)(1) above must provide evidence that all property owners that share subject private road or easement have been notified prior to submission of a completed application. Notification must include the following information:
- a. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;
  - b. A description of the proposed business; private road(s) or easement(s) to be used; the number, type, and gross vehicle weight of business vehicles that will use private road(s) and easement(s);
  - c. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
  - d. A map showing the subject property in relation to other properties or a reduced copy of the site plan showing the approximate size and location of all buildings and business activity areas;
  - e. The name and telephone number of the county representative to contact about the application; and
  - f. A statement of the comment period indicating that notified parties have the right to comment on or object to the application, request a copy of the decision once made, and any appeal rights.

The statement shall indicate that written comments received by the county within fifteen (15) calendar days from the date of the notification will be considered.

2. Notification shall be on a form provided by the County.

3. The County shall process the home occupation application using a Type II process if there is any documented objection by those sharing the private road or easement as a result of the applicant's public notification efforts.

**TABLE 18.406.020(I)-1. RURAL HOME OCCUPATION REQUIREMENTS**

Lot size	≥ 2.5 &	≥ 5 &	≥ 7.5 &	≥ 10 &	≥ 15 &	≥ 20
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(acres) <sup>1</sup>	< 5	< 7.5	< 10	< 15	< 20	
Allowable sq. ft. use of accessory structures <sup>2</sup>	1,250	1,500	1,750	2,000	2,500	3,000
Maximum number of non-resident employees <sup>3</sup>	2	2	3	4	4	5
Allowable outside storage <sup>4</sup> (sq. ft.)	500	1000	1000	1,500	2,000	3,000
Maximum number of vehicles <sup>4</sup>	1	2	2	3	3	4
Maximum number of trailers <sup>4</sup>	1	2	2	2	3	4
Maximum number of pieces of equipment <sup>4</sup> with GVW <sup>5</sup> of 15,000 lbs or more.	1	2	3	3	4	5
Maximum number of trips per day (roundtrips)	6	8	10	12	12	14

Footnotes:

<sup>1</sup> Parcels in contiguous ownership may be added together for purposes of determining parcel size.

<sup>2</sup> Accessory structures are defined in 18.104.025.

<sup>3</sup> Includes contract employees and full-time employee equivalents.

<sup>4</sup> Must be within the activity area.

<sup>5</sup> GVW means Gross Vehicle Weight as established by the equipment manufacturer.

**Attachment 4. Modified Task Force Recommendation**

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The draft ordinance below addresses home occupations in Clark County, both rural and urban. The basis for the draft ordinance is the recommendation of the Rural Enterprises Task Force. County staff added urban home occupation standards and addressed some legal and policy issues.

(Note: At the time this was proposed, Title 40 had not yet been adopted)

#### 18.406.020(I). Home Occupations, Garage Sales and Bed and Breakfast Establishments.

##### 1. Home Occupations—General.

**A. Purpose.** The purpose of this section is to protect the integrity of zoning districts of Clark County while allowing the use of property for home occupations. Home occupations are activities commonly carried on within a dwelling and/or accessory structure by a resident or residents ~~member or members of the family~~ who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and where the residential character of the dwelling is maintained. This chapter establishes approval criteria and standards to ensure that home occupations are conducted as lawful uses that allow for economic development compatible with the use of neighboring properties.

##### **B. Applicability and Exemptions**

1. **Applicability.** All home occupations not exempt pursuant to this section shall be subject to the standards specified in this chapter. A rural home occupation refers to any home business located in a zoning district outside an urban growth boundary. An urban home occupation refers to any home business located in a zoning district inside an urban growth boundary but outside of any city limits.

2. **Exemptions.** The following uses are exempt from the provisions of this section:

- a. Yard sales or garage sales, as designated in Subsection 18.406.020(I)(  );
- b. Bed and breakfast establishments as designated in Subsection 18.406.020(I)(  );
- c. Hobbies not engaged in for financial gain;
- d. Permitted home occupations established prior to the effective date of this ordinance;
- e. Agriculture and forest uses; and
- f. Any specific activity otherwise regulated under Chapter 18.406.020, Provisions Applying to Special Uses.

##### **C. Definitions**

1. **Activity area.** See “home occupation activity area.”
2. **Heavy equipment.** “Heavy equipment” means any free-standing piece of equipment with a gross vehicle weight of 15,000 pounds (as defined by the manufacturer) or greater that is used for the purpose of a home occupation and that is typically transported to a job site by a vehicle. The term shall include equipment that is motorized or non-motorized, stationary, or

self-propelled. Larger tools or pieces of machinery that are permanently located within an accessory structure shall not be counted as heavy equipment for the purposes of this section.

3. Home occupation. A “home occupation” is a business activity which 1) results in financial remuneration from a product or service, 2) is conducted by at least one resident occupying the dwelling, and 3) is conducted partially or wholly within the residence and/or accessory structure on the subject property.
4. Home occupation activity area. A “home occupation activity area” (hereafter “activity area”) means a defined outside area used in conjunction with a rural home occupation that includes all outside activities associated with the home occupation, including, but not limited to parking areas used for business vehicles and equipment, areas used for loading and unloading, worker or client parking areas, and areas used for outdoor storage, if allowed.
5. Incidental retail sales. “Incidental retail sales” means retail sales that are incidental to the home occupation, such as selling shampoo from a home hair dresser.
6. Outdoor Storage. “Outdoor storage” means the outdoor holding of any materials or merchandise, whether covered or uncovered, used or associated with a home occupation.
7. Trailer. A “trailer” is a non-motorized vehicle that is licensed for road use that is used exclusively, or in part, for the purpose of a home occupation. Trailers equipped by the manufacturer as combination tractor-trailers shall not be counted as a separate trailer, but shall be considered together with their tractor a part of a single vehicle.
8. Vehicle. For the purposes of this ordinance, “vehicle” means any motorized vehicle licensed for road use that is used exclusively, or in part, for the purpose of a home occupation. A vehicle equipped by the manufacturer to serve as a combination tractor-trailer shall be counted as a single vehicle.

#### **D. General Standards and Provisions**

The following standards and provisions shall apply to all home occupations in Clark County:

1. Home occupations shall be owned and operated by a resident owner or renter of the property who occupies the property as their principal residence.
2. A home occupation permit may cover more than one business as long as such businesses in combination do not exceed the standards in this section.
3. The maximum home occupation use of a residence shall not be greater than 25 percent of the ~~habitable~~ gross floor area of the residence or exceed a total of 1,000 square feet, whichever is less. ~~Habitable~~ Gross floor area ~~space~~ includes a basement, but does not include an attic or a detached ~~or attached~~ garage. Additional standards for accessory structure size are included in Subsections (E), (F) and (G).



4. One sign related to the home occupation of two square feet or less is allowed. A separate sign permit is not needed if included with the home occupation permit application.
5. Permitted home occupations are subject to the applicable requirements of Chapter 18.402A.
6. Prohibited uses include warehousing, distribution services, ~~home occupations where an accessory dwelling unit is present~~, and adult entertainment enterprises as defined in Chapter 5.45.
7. For major home occupations (Type II) located on private roads, evidence of mitigation of home occupation impacts on the private road shall be provided at the time of application.

E. Home occupations—Exempt.

1. Home occupations that meet the standards in Subsection (D) and the following standards shall be exempt from review by the county:

- a. In urban areas:
  1. No accessory structures;
  2. No employees or customers;
  3. No outside storage;
  4. No heavy equipment;
  5. No retail sales.
- b. In rural areas:
  1. Accessory structures up to 400 square feet;
  2. No employees or customers;
  3. No outside storage;
  4. No heavy equipment; one business-related vehicle;
  5. No retail sales.

2. There is no minimum lot size requirement for exempt home occupations.

**F. Home occupations—Minor.**

1. Home occupations that meet the standards in Subsection (D) and the following standards shall qualify as minor home occupations:

- a. In urban areas:
  1. Accessory structures: up to 400 square feet;
  2. Employees: none
  3. Customers: up to six (6) customers per day;
  4. No outside storage;
  5. No heavy equipment; one business-related vehicle;

6. Hours of operation: 7 a.m. to 8 p.m.;
7. Incidental retail sales.

b. In rural areas:

1. Accessory structures: see Table 18.406.020(I)-1;
2. Employees: up to two (2) employees, with one additional parking space for each employee;
3. Customers: up to six (6) customers per day;
4. No outside storage;
5. Vehicles/heavy equipment: see Table 18.406.020(I)-1;
6. Hours of operation: 7 a.m. to 8 p.m.;
7. Incidental retail sales.

**G. Home occupations—Major.**

1. Home occupations that meet the standards in Subsection (D) and the following standards shall qualify as major home occupations:

a. In urban areas:

1. Accessory structures: up to 400 square feet;
2. Employees: up to three (3) employees, with one additional parking space for each employee;
3. Customers: up to twelve (12) customers per day;
4. No outside storage;
5. No heavy equipment: one business-related vehicle;
6. Hours of operation: 7 a.m. to 8 p.m.;
7. Incidental retail sales;
8. Minimum lot size: 10,000 square feet.

b. In rural areas:

1. Accessory structures: see Table 18.406.020(I)-1;
2. Employees: see Table 18.406.020(I)-1, with one additional parking space for each employee;
3. Customers: up to twelve (12) customers per day;
4. Outside storage: see Table 18.406.020(I)-1;
5. Vehicles/heavy equipment: see Table 18.406.020(I)-1;
6. Activity area: All outside activity must be located in a defined activity area that is visually screened from adjacent residences either by existing vegetation, terrain, or sight obscuring landscape/screening methods to at least an L3 standard as established in Chapter 18.402A, and that is set back a minimum of fifty (50) feet from any property line. Except where terrain provides a sight-obscuring barrier, landscaping and screening shall be located on the subject property. Required landscaping and screening shall be the responsibility of the applicant or operator.
7. Hours of operation: 7 a.m. to 8 p.m.;
8. Incidental retail sales;
9. Minimum lot size: 2.5 acres.

2. a. Except as specified in Subsection (G)(3) below, a major home occupation shall require a permit processed by means of a Type II procedure, as governed by Section 18.600.070, after a demonstration that the proposal complies with all development and performance criteria in this section.
3. An applicant may apply for a conditional use permit if the standards in Table 18.406.020(I)-1 and Subsection (G)(1) cannot be met. Such a permit will be processed by means of a Type III procedure, as governed by Section 18.600.080. Permits processed under this subsection shall be considered minor for fee purposes.

#### **H. Performance Standards.**

1. Home occupations shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24 Nuisances, and with the following standards:
  - a. Noise: Home occupations shall comply with state maximum environmental noise levels as defined in WAC Chapter 173-60.
  - b. Odors, lighting, glare, dust, smoke and vibration: Home occupations shall not cause external effects such as offensive odors, increased lighting or glare, dust, smoke, or vibration detectable to normal sensory perception at the property line.
  - c. Electromagnetic radiation and line fluctuation: Any business activities or use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.
2. As necessary, all home occupations shall obtain valid building permits for all dwellings and accessory structures. All home occupations shall meet be reviewed under the appropriate occupancy standards of the Uniform Building Code and Uniform Fire Code.
3. Any use of hazardous material or disposal of hazardous waste by home occupations shall comply with all applicable federal, state and local regulations. Home occupations shall not discharge any liquids or gases in violation of any federal, state or county regulations, including such discharges into private septic systems.
4. A home occupation permit shall become invalid should either of the following occur:
  - a. An applicant/operator re-locates his or her residence.
  - b. The County finds that a home occupation has failed to comply with the general provisions and standards of this chapter or with the performance standards required by the permit.

**TABLE 18.406.020(I)-1. RURAL HOME OCCUPATION REQUIREMENTS**

Lot size (acres) <sup>1</sup>	≥ 2.5 & < 5	≥ 5 & < 7.5	≥ 7.5 & < 10	≥ 10 & < 15	≥ 15 & < 20	≥ 20
Maximum allowable use of accessory structures (sq.	1,250	1,500	1,750	2,000	2,500	3,000

ft.) <sup>2</sup>						
Maximum number of non-resident employees <sup>3</sup>	2	2	3	4	4	5
Maximum activity area (sq. ft)						
Allowable outside storage <sup>4</sup> (sq. ft.)	500	1000	1000	1,500	2,000	3,000
Maximum number of vehicles <sup>4</sup>	1	2	2	3	3	4
Maximum number of trailers <sup>4</sup>	1	2	2	2	3	4
Maximum number of pieces of heavy equipment <sup>4</sup>	1	2	3	3	4	5

Footnotes:

<sup>1</sup> Parcels in contiguous ownership may be added together for purposes of determining parcel size.

<sup>2</sup> Accessory structures are defined in 18.104.025, and do not include attached garages.

<sup>3</sup> Includes contract employees and full-time employee equivalents.

<sup>4</sup> Must be within the activity area.

### **Attachment 5. Number of Rural Parcels by Size and District Type**

Parcel Size (acres)	Number of Parcels, by District						Totals
	AG-20	FR-40	FR-80	R-5	R-10	R-20	
less than 2.5	853	486	224	6,957	686	149	9,355
2.5--5	762	557	125	5,654	768	154	8,020

5--10	578	585	150	3,839	820	215	6,187
10--20	422	375	166	615	312	79	1,969
greater than 20	547	1,993	858	264	240	117	4,019
Total	3,162	3,996	1,523	17,329	2,826	714	29,550

NOTE: There are approximately 155 parcels that are less than 5,000 square feet that are included in the totals above to account for parcel slivers and leftover parcels.

## **Attachment 6. Rural Business Coalition Proposal**

### **HOME OCCUPATION ORDINANCE PROPOSAL (first draft 8-15-03)**

#### **RURAL BUSINESS COALITION**

(Building Industry Association, Clark County Citizens United, Clark County Farm Forestry Association, La Center - North County Chamber of Commerce)

## 18.406.020 (I). Home Occupations, Garage Sales and Bed and Breakfast Establishments.

### 1. Home Occupations.

#### **A. Purpose**

The purpose of this section is to protect the integrity of zoning districts of Clark County while allowing the use of property for home occupations. Home occupations are activities commonly carried on within a dwelling and/or accessory structure by a resident or residents who occupy the dwelling, where the occupation is secondary to the use of the dwelling for living purposes and where the residential character of the dwelling is maintained. This chapter establishes approval criteria and standards to ensure that home occupations are conducted as lawful uses that allow for economic development compatible with the use of neighboring properties.

#### **B. Applicability and Exemptions**

**1. Applicability.** All home occupations not exempt pursuant to this section shall be subject to the standards specified in this chapter. A rural home occupation refers to any home business located in a zoning district outside an urban growth boundary. An urban home occupation refers to any home business located in a zoning district inside an urban growth boundary but outside of any city limits.

**2. Exemptions.** The following uses are exempt from the provisions of this section:

- b. Yard sales or garage sales, as designated in Subsection 18.406.020(I)(  );
- c. Bed and breakfast establishments as designated in Subsection 18.406.020(I)(  );
- d. Hobbies not engaged in for financial gain;
- e. Permitted home occupations established prior to the effective date of this ordinance;
- f. Agriculture and forest uses; and
- g. Any specific activity otherwise regulated under Chapter 18.406.020, Provisions Applying to Special Uses.

#### **C. Definitions**

**1. Home occupation.** A “home occupation” is a business activity which 1) results in financial remuneration from a product or service, 2) is conducted by at least one resident occupying the dwelling, and 3) is conducted partially or wholly within the residence and/or accessory structure on the subject property.

- 2. Home occupation outside activity area.** A “home occupation outside activity area” (hereafter “outside activity area”) means a defined outside area in which all outside activities must occur. These outside activities include, but are not limited to, parking areas used for business vehicles and equipment, areas used for loading and unloading, worker or client parking areas, and areas used for outdoor storage.
- 3. Incidental retail sales.** “Incidental retail sales” means retail sales that are incidental to the home occupation, such as selling shampoo from a home hair dresser.
- 4. Vehicle.** For the purposes of this ordinance, “vehicle” means any motorized vehicle licensed for road use that is used exclusively, or in part, for the purpose of a home occupation. A vehicle equipped by the manufacturer to serve as a combination tractor-trailer shall be counted as a single vehicle.
- 5. Heavy equipment.** “Heavy equipment” means any free-standing piece of equipment with a gross vehicle weight of 15,000 pounds (as defined by the manufacturer) or greater that is used for the purpose of a home occupation and that is typically transported to a job site by a vehicle. The term shall include equipment that is motorized or non-motorized, stationary, or self-propelled. Larger tools or pieces of machinery that are permanently located within an accessory structure shall not be counted as heavy equipment for the purposes of this section.
- 6. Trailer.** A “trailer” is a non-motorized vehicle that is licensed for road use that is used exclusively, or in part, for the purpose of a home occupation. Trailers equipped by the manufacturer as combination tractor-trailers shall not be counted as a separate trailer, but shall be considered together with their tractor a part of a single vehicle.

#### **D. General Standards and Provisions**

The following standards and provisions shall apply to all home occupations in Clark County:

1. Home occupations shall be owned and operated by a resident owner or renter of the property who occupies the property as their principal residence.
2. A home occupation permit may cover more than one business as long as such businesses in combination do not exceed the standards in this section.
3. The maximum home occupation use of a residence shall not be greater than 25 percent of the gross floor area of the residence or exceed a total of 1,000 square feet, whichever is less. Gross floor area includes a basement, but does not include an attic, garage or accessory structure.
4. One sign related to the home occupation of two square feet or less is allowed. A separate sign permit is not needed if included with the home occupation permit application.

5. Prohibited uses include warehousing, distribution services, and adult entertainment enterprises as defined in Chapter 5.45.
6. No more than a combined total of two (2) vehicles or trailers may be stored or parked in a drive-way or other visible parking area.
7. Heavy equipment and material storage is only permitted in accessory structures or outside activity areas.
8. For home occupations located on private roads, evidence of mitigation of home occupation impacts on the private road shall be provided at the time of application. Impacts to be addressed should include but are not limited to: dust, noise, trip generation, and road maintenance.

#### **E. Home occupations—Exempt.**

1. Home occupations that meet the standards in Subsection (D) and the following standards shall be exempt from review by the county:

- a. In urban areas:

1. No accessory structures;
2. No employees or customers;
3. No outside activity area;
4. No retail sales.

- b. In rural areas:

1. Accessory structures up to 400 square feet;
2. One (1) non-resident employee;
3. No customers;
3. No outside activity area;
4. No retail sales.

#### **F. Home occupations—Permitted.**

1. Home occupations that meet the standards in Subsection (D) and the following standards shall qualify as permitted home occupations:

- a. In urban areas:

1. Accessory structures: up to 400 square feet;
2. Employees: up to two (2) non-resident employees, with one additional on site parking space for each employee;



3. Customers: up to twelve (12) customers per day;
4. No outside activity area;
6. Hours of operation: 7 a.m. to 8 p.m.;
7. Incidental retail sales: allowed.
8. Public notice: A notice describing the proposed home occupation must be mailed to all residents within a 250' radius of the home occupation site at time of application.

b. In rural areas:

1. Setbacks: all accessory structures and activity areas must setback a minimum of fifty (50) feet from all property lines. Businesses with existing structures are exempt from this provision if a Home Occupation permit is issued prior to January 1, 2004.
  2. Employees: on site parking must be provided for all employees.
  3. Screening: Activity areas must be visually screened from adjacent residences either by existing vegetation, terrain, or sight obscuring landscape/screening methods to at least an L3 standard as established in Chapter 18.402A. Required landscaping and screening shall be the responsibility of the applicant operator and evidence of correctly installed screening shall be provided at time of application.
  4. Hours of operation: 7 a.m. to 8 p.m.
  5. Incidental retail sales: allowed.
  6. Public Notice: A notice describing the proposed home occupation must be mailed to all residents within a 500' radius of the home occupation site and, if located on private road, all residents similarly situated, at time of application.
2. Home occupations qualifying under this subsection shall be reviewed using a Type I process as specified in 18.600.060. with the additional requirement in Subsection F (a) 8 and Subsection F (b) 6 above.

**G. Performance Standards.**

1. Home occupations shall comply with all state and county regulations governing nuisance effects, including Chapter 9.24 Nuisances, and with the following standards:
  - a. Noise: Home occupations shall comply with state maximum environmental noise levels as defined in WAC Chapter 173-60.
  - b. Odors, lighting, glare, dust, smoke and vibration: Home occupations shall not cause external effects such as offensive odors, increased lighting or glare, dust,

smoke, or vibration detectable to normal sensory perception at the property line.

- c. Electromagnetic radiation and line fluctuation: Any business activities or use of equipment that creates visible or audible interference in radio or television receivers or fluctuations in line voltage at or beyond the property line is prohibited.
2. Any structure occupied by non-resident employees on a full time basis must meet the appropriate occupancy standards of the Uniform Building Code and Uniform Fire Code.
3. Any use of hazardous material or disposal of hazardous waste by home occupations shall comply with all applicable federal, state and local regulations. Home occupations shall not discharge any liquids or gases in violation of any federal, state or county regulations, including such discharges into private septic systems.
4. A home occupation permit shall become invalid should either of the following occur:
  - a. An applicant/operator re-locates his or her residence.
  - b. The County finds that a home occupation has failed to comply with the general provisions and standards of this chapter or with the performance standards required by the permit.

Prepared by Matt Lewis, 694-0933, 8-15-03

#### **Attachment 7. Clark County Planning Commission Recommendations**

##### **Planning Commission Recommendation Draft Home Occupation Ordinance December 18, 2003; amended February 5, 2004**

The Planning Commission completed its deliberations on a proposed home occupation ordinance by making the following recommendations:

##### **Existing Businesses.**

- Would be allowed to continue to operate

- Would have one (1) year from ordinance enactment to decide on whether to comply with new standards
- Would have to comply with new standards within six (6) years
- Compliance would be through a Type I permit process
- Needs an aggressive public information campaign to get the word out
- Critical areas and stormwater ordinances would apply to existing businesses only if improvements trigger them

#### New Businesses.

- Would need to comply with new standards
- Type I process; Type II process if on a private road

#### Matrix Standards.

- No limits on vehicles, equipment, or trailers
- 'Activity area' limited to two percent (2%) of lot size for all non-residence home occupation activity, and two percent (2%) of lot size for accessory structures
- Number of employees: Four (4), on parcels smaller than 10 acres; Six (6), on parcels of 10 acres or larger
- Hours of operation: 7 am to 8 pm for on-site businesses

Reduce fee for Type II HO permit

Modify the county nuisance ordinance (Chapter 9.24) to apply to rural home businesses

No periodic review

No reference to building permits